

EXHIBIT A

No. 14A51921-3STATE COURT OF DEKALB COUNTY
GEORGIA, DEKALB COUNTYDate Summons Issued and Filed 6-17-14

SUMMONS

Deputy Clerk M. D. GrayDeposit Paid \$ \$217.50STATE FARM FIRE & CASUALTY CO. ASSUBROGEE OF CHRISTOPHER NEAL DANYO131-9041

(Plaintiff's name and address)

vs.

☐ ANSWERINTERLINE BRANDS, INC.RA: NRAI Services Inc.1200 South Pines IslPlantation, FL 33321

(Defendant's name and address)

☐ JURYTO THE ABOVE-NAMED DEFENDANT: Inter. REP

You are hereby summoned and required to file with the Clerk of State Court, Suite 230, 2nd Floor, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur Georgia 30030 and serve upon the Plaintiff's attorney, to wit

Candace M. BoutwellBOUTWELL & ASSOCIATES, LLC2280 Satellite Blvd, Bldg BDuluth GA 30097-4914(678) 985-0800State Bar No. 254154

an ANSWER to the complaint which is herewith served upon you, within thirty (30) days after service upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. (Plus cost of this action.)

Defendant's Attorney

Third-Party Attorney

Address

Address

Phone No.

Georgia Bar No.

Phone No.

Georgia Bar No.

TYPE OF SUIT

- ☐ Account
☐ Contract
☐ Note
☐ Trover

- ☐ Personal Injury
☐ Medical Malpractice
☐ Legal Malpractice
☐ Product Liability
☐ Other

Principal \$227,348.76Interest \$legal rateAtty Fees \$ ☐ Transferred From

(Attach Blue to ORIGINAL and White to SERVICE COPY of complaint)

IN THE STATE COURT OF DEKALB COUNTY

STATE OF GEORGIA

STATE FARM FIRE & CASUALTY CO. AS
SUBROGEE OF CHRISTOPHER NEAL
DANYO,

PLAINTIFF,

V.

CIVIL ACTION NO:

14A51921-3

INTERLINE BRANDS, INC.,

DEFENDANT.

NOTICE OF LEAVE OF ABSENCE

Comes now Plaintiff's attorney and respectfully notifies all judges before whom she has cases pending, all affected clerks of court and all opposing counsel/pro se parties, that she will be on leave pursuant to Georgia Uniform Court Rule 16.1 as follows:

1. Plaintiff's counsel will be out of town and/or on vacation and will be away from the practice of law during the following dates:

May 9-13, 2014

June 16 - 20, 2014

May 21 - 23, 2014

June 23 - 27, 2014

May 27 - 28, 2014

June 30 - July 3, 2014

2. All affected judges and opposing counsel/pro se parties shall have ten days from the date of this Notice to object to it. If no objections are filed, the leave shall be granted.

CERTIFICATE OF SERVICE: This is to certify that the foregoing Notice of Leaves of Absence has been served on the Defendant by attaching a copy to the Complaint for Damages.

BOUTWELL & ASSOCIATES, LLC

Candace M. Boutwell; State Bar No. 254154

Walletha Barnes; State Bar No. 141274

Daedrea D. Horne; State Bar No. 543954

Chelsey E. Murray; State Bar No. 965090

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IN THE STATE COURT OF DEKALB COUNTY

STATE OF GEORGIA

STATE FARM FIRE & CASUALTY CO. AS
SUBROGEE OF CHRISTOPHER NEAL
DANYO,

PLAINTIFF,

V.

CIVIL ACTION NO: 14451921-3

INTERLINE BRANDS, INC.,

DEFENDANT.

COMPLAINT FOR DAMAGES

Comes now the Plaintiff and shows this Honorable Court the following:

JURISDICTION

1.

Defendant Interline Brands, Inc. is a foreign corporation manufacturing products that are distributed in Georgia. Defendant Interline Brands, Inc. is subject to the jurisdiction and venue of this court in that the incident complained of occurred in this County. Defendant Interline Brands, Inc. can be served by Second Original through its Registered Agent, NRAI Services Inc., at 1200 South Pines Isl, Plantation, FL 33321.

STATEMENT OF FACTS

2.

On or about November 7, 2012 a ballcock nut manufactured, produced and/or supplied by Defendant Interline Brands, Inc. malfunctioned causing a slow creep crack on the water supply line to a toilet and the resulting water damage to the insured's residence at 1581 Windsor Parkway NE , Atlanta, GA 30319.

3.

The water damage was caused by a manufacturing and product defect.

4.

As a result of the defect in the ballcock nut Plaintiff's insured's residence was damaged and Plaintiff paid for the damages in the amount of \$227,348.76.

5.

That Plaintiff insured Christopher Neal Danyo and made payments to Christopher Neal Danyo for the property damage in the amount of \$227,348.76 pursuant to Plaintiff's Homeowner's Insurance Policy. Plaintiff State Farm Fire & Casualty Co. is subrogated to the rights of Christopher Neal Danyo.

COUNT 1 - NEGLIGENCE

6.

Defendant Interline Brands, Inc. owed Plaintiff's insured the duty to use reasonable care in designing and manufacturing the ballcock nut and in all of the components that come with the product.

7.

Defendant Interline Brands, Inc. breached the duty owed to Plaintiff's insured by:

- a. failing to use reasonable care in designing the product;
- b. failing to use reasonable care in manufacturing the product; and
- c. other acts or omissions as discovery may reveal.

8.

As a direct, proximate and foreseeable result of the negligence and breach of duty of Defendant Interline Brands, Inc., Plaintiff's insured and Plaintiff suffered damages in an amount of \$227,348.76.

9.

Defendant Interline Brands, Inc. is liable to the Plaintiff for the damages in the amount of \$227,348.76.

COUNT 2 – STRICT LIABILITY

10.

Defendant Interline Brands, Inc. manufactured, produced and/or supplied the ballcock nut that was installed in Plaintiff's insured's residence.

11.

The product was defective, not merchantable and not reasonably suited for its intended

use as a product when sold.

12.

The defective and unmerchantable condition of the product was the proximate cause of the November 7, 2012 leak and the resulting water damage in the amount of \$227,348.76.

COUNT 3 – NEGLIGENCE FAILURE TO WARN

13.

Defendant Interline Brands, Inc. knew or should have known of the possible dangers associated with the use of this product.

14.

Defendant Interline Brands, Inc. failed to warn the consumer about the possible dangers associated with the use of this product.

15.

As a result of the negligent failure to warn by Defendant Interline Brands, Inc. Plaintiff's insured's residence was damaged and Plaintiff paid to repair those damages in the amount of \$227,348.76.

COUNT 4 – ATTORNEY'S FEES

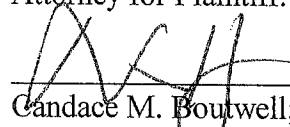
16.

Plaintiff is entitled to recover one-third (1/3) attorney's fees pursuant to O.C.G.A. §13-6-11 on the grounds that Defendants have been stubbornly litigious and have caused Plaintiff unnecessary trouble and expense by forcing Plaintiff into the courts when no "bona fide controversy" exists.

WHEREFORE, Plaintiff respectfully demands judgment against Defendant Interline Brands, Inc. for the principal amount of \$227,348.76 plus court costs, attorney's fees and post-judgment interest at the legal rate. Plaintiff further demands that a writ of Fieri Facias issue.

BOUTWELL & ASSOCIATES, LLC

Attorney for Plaintiff:


Candace M. Boutwell; State Bar No. 254154

Willetta Barnes; State Bar No. 141274

Daedrea D. Horne; State Bar No. 543954

Chelsey E. Murray; State Bar No. 965090

2280 Satellite Blvd, Bldg B
Duluth GA 30097
Phone: (678) 985-0800
Fax: (678) 985-0903

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131-9041

General Civil Case Filing Information Form (Non-Domestic)**Court**☐ Superior☒ State**County** Dekalb**Date Filed** _____

MM-DD-YYYY

Docket # _____**Plaintiff(s)**State Farm Fire & Casualty Co.

Last First Middle I. Suffix Prefix Maiden

as subrogee of Christopher Neal Danyo

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Last First Middle I. Suffix Prefix Maiden

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No. of Plaintiffs _____

Plaintiff/Petitioner's Attorney Pro SeBoutwell, Candace M.

Last First Middle I. Suffix Prefix Maiden

Bar # 254154**Name of Defendant/Respondent (s)**Interline Brands, Inc.

Last First Middle I. Suffix Prefix Maiden

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Last First Middle I. Suffix Prefix Maiden

No. of Defendants _____

Check Primary Type (Check only ONE)☐ Contract/Account☐ Wills/Estate☐ Real Property☐ Dispossessory/Distress☐ Personal Property☐ Equity☐ Habeus Corpus☐ Appeals, Reviews☐ Post Judgment Garnishment,
Attachment, or Other Relief☐ Non-Domestic Contempt☒ Tort (If tort, fill in right column)☐ Other General Civil Specify _____SUBROGATION**If Tort is Case Type:**

(Check no more than TWO)

☐ Auto Accident☐ Premises Liability☐ Medical Malpractice☐ Other Professional Negligence☐ Product Liability☒ Other Specify Subrogation**Are Punitive Damages Pleaded?** ☐ Yes ☒ No

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FILED

CLERK OF SUPERIOR COURT

IN THE STATE COURT OF DEKALB COUNTY

STATE OF GEORGIA

STATE FARM FIRE & CASUALTY CO. AS
SUBROGEE OF CHRISTOPHER NEAL
DANYO,

PLAINTIFF,

V.

CIVIL ACTION NO:

14A51921-3

INTERLINE BRANDS, INC.,

DEFENDANT.

PLAINTIFF'S FIRST INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Interline Brands, Inc.
NRAI Services Inc.
1200 South Pines Isl
Plantation, FL 33321

Now comes Plaintiff in the above-styled matter, and files these Interrogatories and Request for Production of Documents on Defendant pursuant to O.C.G.A §§ 9-11-33 and 9-11-34. The Defendant is required to respond to these requests in writing within the time period provided by law and to serve a copy of said responses on Plaintiff's attorney, Candace M. Boutwell, BOUTWELL & ASSOCIATES, LLC, 2280 Satellite Blvd, Bldg B, Duluth GA 30097.

INTERROGATORIES

1. State the name, address, telephone number and social security number of all employees with any knowledge regarding the incident complained of in the Complaint for Damages.
2. State the full name and last known address of every witness known to you who has any knowledge regarding the facts and circumstances surrounding the happening of the event referred to in the Complaint or your defenses thereto, including but not limited to, eye witnesses to such event who should be so designated and any other persons having any knowledge thereof.
3. State the full name and last known address of every person known to you who was retained or employed by you to investigate the incident described in the Complaint.
4. Describe the inspection and testing that was completed on the product that was referenced in the complaint as being purchased by and used by Plaintiff's insured, Christopher Neal Danyo.
5. If you have obtained any statements whether oral, recorded or written and any expert from

any persons regarding any of the facts and circumstances surrounding the occurrence referred to in the Complaint or your defenses thereto, please state the name and address of the person or persons from whom such statement or statements were taken, the date on which such statement was taken, the name, address and employer of the person who took such statement and the names and addresses of the persons having custody of such statement or true copies thereof. In lieu thereof attach a copy of said statement to your answers thereto.

6. If you or anyone acting on your behalf have or know of any photographs, motion pictures, maps, drawing, plats, diagrams, measurements, or other descriptions concerning the events and happenings described in the Complaint, made either before, after, or at the time of the events in question, then please describe each such item and the name and address of the person having custody of such item.

7. State the name, address and telephone number of each and every expert whom you expect to call as a witness at the trial of this case and with regard to such witness, state the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which said expert is expected to testify and a summary of the grounds for each opinion.

8. If you had any insurance to indemnify you for the incident that is the subject matter of this complaint, state the name and address of the insured, the name and address of the insurer, the policy number and the limits of coverage.

9. State the name, address and telephone number of each and every person or entity who has notified you of complaint, problems, failures or issues (hereinafter "claims") with the ballcock nuts that you manufactured, produced or distributed.

10. For all of the claims, problems, failure and other issues reported to you and identified in response to Interrogatory No. 9, please state the type of claims that were reported, the type of damage sustained by the claimed event and the amount of damaged claimed by the reporter.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Provide any oral or written statements taken from any party to this action and/or any witness to the incident.

2. Provide any photographs of the ballcock nut that was purchased and installed in the insured's residence.


3. Provide the results of any testing or inspection that was completed on the ballcock nut or any part or element of the ballcock nut that was installed in the insured's residence.

4. Provide a copy of the curriculum vitae of any expert that you have retained, whether or not you intend to call that expert as a witness at trial.

5. Provide a copy of any expert report obtained as a result of the incident referred to in the Complaint for Damages.

6. Provide the results of any testing that was completed by you or someone acting on your behalf on the ballcock nut that was referred to in the Complaint for Damages.
7. Provide a copy of any owners' manuals or other documentation provided to the consumer with the ballcock nuts that you manufacture, produce and/or distribute.
8. Provide a copy of any and all notices and/or warnings that you have provided to the consumers, including but not limited to press releases, notices in the media, notices in the owners' manual, and all other notices or warnings notifying consumers or potential consumers of the potential problems or failures with the ballcock nuts that you manufacture, produce and/or distribute.
9. Provide a copy of any and all design specifications that you received or provided for the development, manufacture and distribution of the ballcock nuts that you manufacture, produce and/or distribute.

BOUTWELL & ASSOCIATES, LLC
Attorney for Plaintiff.


Candace M. Boutwell; State Bar No. 254154
Walletha Barnes; State Bar No. 141274
Daedrea D. Horne; State Bar No. 543954
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STATE OF
FLORIDA
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